

16 December 1974

MEMORANDUM FOR: Friday's Executive Council Members
SUBJECT : Executive Council Meeting on 13 December 1974

Mr. Proctor chaired. Substituting was [redacted]

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I. Freedom of Information

1. [redacted] Assistant for Coordination, DDA, briefed on the amended Freedom of Information Act. Also participating were Messrs. [redacted] OGC; [redacted] OLC; and [redacted] DDI Freedom of Information officer.

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2. [redacted] predicted the new provisions will have major repercussions, involving the diversion of resources, the compromise of sensitive material, inevitable litigation and bad press, and perhaps the disruption of liaison and operational relationships. He noted that the Agency was not greatly affected by the original 1966 legislation because of "national security" and "sources and methods" exemptions. Executive Order 11652, issued in March 1972, did require changes in classification and declassification procedures, including a system for reviewing requests for release of documents 10 years old or older.

3. The new amendments do not eliminate the national security and sources and methods exemption, but they allow the courts to judge whether documents are "properly classified" with respect to those exemptions. Deadlines are impossibly short (10 working days for initial review of requests, 20 working days to consider appeals); failure to meet them gives the requester the option of initiating immediate court action. Documents requested do not have to be described as precisely as before, and there is no restriction on the age of documents.

4. Before the amendments take effect, the Agency will have to:

-- publish ground rules for handling requests. An Agency working group will try to devise rules and methods that take the fullest possible advantage of the short time available for processing requests.

-- publish a fee schedule to cover costs of looking for and reproducing materials (no charge is permitted for the review process). Funds go to the Treasury, not the Agency; manpower costs will have to be absorbed, at least initially.

-- expand the staff now handling requests. The Information Systems Analysis Staff, under [] will be expanded and may become the "Information Review Staff." Directorates will be asked to identify a reserve corps to supplement the staff if it gets swamped.

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-- make the existing review body more representative by adding a top manager from each Directorate.

-- prepare to keep detailed manhour records that can be used to build a case for Congressional relief.

5. There was no firm answer to a question by Mr. Proctor as to whether the act limits requests to documents or can be construed more broadly to include requests for "information." On balance it seems limited to documents. It is also unclear whether blanket requests for future issues of serial publications must be honored -- probably not.

6. Mr. Proctor commented that we have to weigh more carefully the classifications we assign to documents, considering in each case what damage (if any) to national security or sources and methods would result from authorized disclosure. Do not overclassify.

7. Mr. Proctor strongly recommended that authority to rule on appeals be vested in a single individual, rather than a board, to avoid the possibility that the conflicting opinions of reviewing officials will be aired in court. The review panel should be advisory. The initial decision on release should be at the office level.

8. Many problems remain to be ironed out (treatment of copyrighted materials, processing of inter-office or inter-agency papers, administrative procedures, etc). [] said he would send copies of the law as amended and of various guidance papers to office and staff chiefs as soon as possible.

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II. Security

25X1 1. [] gave a rundown on recent security violations, commenting that most could have been avoided by taking a few simple precautions. He suggested three possible approaches:

-- memos from office chiefs to supervisors making them personally responsible for security in their units.

25X1 -- requiring employees working after normal hours to telephone security [] after locking desk safes.

-- a publicity campaign.

25X1 2. Mr. Proctor asked [] to see whether the Office of Security would be willing to check safes as soon as possible after notification by employees departing after normal hours, and to issue warnings rather than violation notices if lapses are discovered.

3. In the case of vaults, it was suggested that the Office of Security be asked to check the door before the last employee leaves the area.

25X1 4. [] showed [] a Confidential document -- involved in a recent FBIS violation -- on which classification markings were so inconspicuous they could not easily be seen. [] said he would look into the matter. 25X1

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Chief
DDI Executive Staff